

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3460 of 1986

Date of decision: 10-2-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MB GOHIL

Versus

STATE OF GUJARAT

Appearance:

MR JR NANAVATI for Petitioner

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/02/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner, and perused the special civil application.

The petitioner, a Police Inspector of the Police Department of the State of Gujarat, has filed this special civil application praying for direction to the respondents to grant him deemed date of promotion as Police Inspector from the date his immediate junior, C.S. Gadhvi, was promoted and further prayer has been made for direction to the respondents to refix the seniority of the petitioner. Under order dated 11th April, 1977 the petitioner was given promotion on the post of Police Inspector with effect from 4-10-1974, the date on which his junior Shri R.K.Dwivedi was promoted. At that time promotion was not given to the petitioner as some departmental inquiry was pending against him.

2. Learned counsel for the petitioner does not dispute that Shri Gadhvi was given promotion on the post of Police Inspector on 9-4-1974. The petitioner was given promotion on the post of P.I. with effect from 4-10-1974, under order dated 11-4-1977. In case the petitioner was aggrieved of that his promotion should have been from 9-4-1974, he should have raised voice at that point of time. The petitioner has not raised any grievance against that order and accepted his promotion from 4-10-1974. It appears that date of promotion of Shri R. K. Dwivedi was changed from 4-10-1974 to 20-5-1974 and accordingly he was given seniority above the petitioner. Shri Gadhvi was also given seniority above the petitioner. To get seniority above those two persons the petitioner filed this special civil application and prayed for giving him promotion from the date on which Shri Gadhvi was promoted.

3. On being asked by the court, learned counsel for the petitioner is unable to satisfy this court how any prejudice has been caused to the petitioner by placing these two persons senior to him in the cadre of P.I. What the learned counsel for the petitioner submitted is that it lowered down his prestige. Even if it is taken that it has lowered down the prestige of the petitioner by placing him junior to those persons, how any loss is suffered in the matter of service conditions is not stated by the petitioner. It is understandable if, because of the seniority assigned to them, juniors have been given further promotion in preference of the petitioner, or some other monetary benefits have been given to those persons because of the seniority; and in that case there maybe some semblance of justification in

the claim of the petitioner. But merely because those persons have been placed senior to the petitioner, it would not cause any prejudice to the petitioner so as to call for interference of this court. Leaving apart the fact that this claim is made after considerable delay and latches, and further that the petitioner accepted this promotion from 4-10-1974, otherwise also as no prejudice has been caused to the petitioner by placing those persons senior to the petitioner in the cadre of P.I., no interference is called for in the matter.

4. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

....

csm